

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

PERRY CIRAULU et al., individually and on behalf  
all others similarly situated,

Plaintiffs,

v.

AMERICAN REALTY CAPITAL PROPERTIES,  
INC., et al.,

Defendants.

1:14-cv-8659

BERNARD PRIEVER et al., individually and on  
behalf of all others similarly situated,

Plaintiffs,

v.

AMERICAN REALTY CAPITAL PROPERTIES,  
INC., et al.,

Defendants.

1:14-cv-8668

STUART RUBINSTEIN et al., individually and on  
behalf of all others similarly situated,

Plaintiffs,

v.

AMERICAN REALTY CAPITAL PROPERTIES,  
INC., et al.,

Defendants.

1:14-cv-8669

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| KEVIN PATTON et al., individually and on behalf of<br>all others similarly situated, | 1:14-cv-8671 |
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Plaintiffs,

v.

AMERICAN REALTY CAPITAL PROPERTIES,  
INC., et al.,

Defendants.

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| JAMES EDWARDS et al., individually and on behalf<br>of all others similarly situated, | 1:14-cv-8721 |
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Plaintiffs,

v.

AMERICAN REALTY CAPITAL PROPERTIES,  
INC., et al.,

Defendants.

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| BERNEY HARRIS et al., individually and on behalf<br>of all others similarly situated, | 1:14-cv-8740 |
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Plaintiffs,

v.

AMERICAN REALTY CAPITAL PROPERTIES,  
INC., et al.,

Defendants.

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SIMON ABADI et al., individually and on behalf of  
all others similarly situated,

1:14-cv-9006

Plaintiffs,

v.

AMERICAN REALTY CAPITAL PROPERTIES,  
INC., et al.,

Defendants.

### **NOTICE OF MOTION**

TO: ALL PARTIES AND THEIR RESPECTIVE COUNSEL OF RECORD:

PLEASE TAKE NOTICE that, pursuant to Section 21D(a)(3)(B) of the Securities Exchange Act of 1934 and Section 27(a)(3)(B) of the Securities Act of 1933, Corsair Select 100 L.P., Corsair Select MF Ltd., Corsair Capital Partners L.P., Corsair Select L.P., Corsair Capital Partners 100 L.P., and Corsair Capital Investors, Ltd. ( together “Corsair” or “Movant”) will move before the Honorable Alvin K. Hellerstein, Courtroom 14D, Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, Room 1050, New York, New York 10007 on such date as the Court may direct, for an Order in the form submitted herewith appointing Movant Corsair as Lead Plaintiff and approving its choice of counsel, Lowey Dannenberg Cohen & Hart, P.C., as Lead Counsel for the plaintiffs and the putative class.

Movant’s motion is supported by the Declaration of Barbara J. Hart (the “Hart Decl.”) and the Memorandum of Law in Support of Motion for Consolidation, for Appointment as Lead Plaintiff, and Approval of Lead Plaintiff’s Selection of Lead Counsel in the above-captioned actions. Pursuant to this Court’s Individual Rule 2(C), the Hart Decl. includes true and correct copies of the following exhibits:

- Exhibit 1: Movant's certification filed pursuant to Section 27(a)(2) of the Securities Act of 1933 and Section 21(D)(a)(2) of the Securities Exchange Act of 1934.
- Exhibit 2: Calculations of Corsair's losses under the Private Securities Litigation Reform Act.
- Exhibit 3: Complaint filed in *Ciraulu et al. v. American Realty Capital Properties, Inc., et al.*, 1:14-cv-8659 (S.D.N.Y.).
- Exhibit 4: Complaint filed in *Priever et al. v. American Realty Capital Properties, Inc., et al.*, 1:14-cv-8668 (S.D.N.Y.).
- Exhibit 5: Complaint filed in *Rubinstein v. American Realty Capital Properties, Inc., et al.*, 14-cv-8669 (S.D.N.Y.).
- Exhibit 6: Complaint filed in *Patton et al. v. American Realty Capital Properties, Inc., et al.*, 14-cv-8671 (S.D.N.Y.).
- Exhibit 7: Complaint filed in *Edwards et al. v. American Realty Capital Properties, Inc., et al.*, 1:14-cv-8721 (S.D.N.Y.).
- Exhibit 8: Complaint filed in *Harris et al. v. American Realty Capital Properties, Inc., et al.*, 1:14-cv-8740 (S.D.N.Y.).
- Exhibit 9: Complaint filed in *Abadi et al. v. American Realty Capital Properties, Inc., et al.*, 1:14-cv-9006 (S.D.N.Y.).
- Exhibit 10: Notice of pendency filed in *Ciraulu v. American Realty Capital Properties, Inc., et al.*, published on Globe Newswire on October 30, 2014.
- Exhibit 11: Firm Resume of Lowey Dannenberg Cohen & Hart, P.C.
- Exhibit 12: Proposed Form of Order.

Date: December 29, 2104

LOWEY DANNENBERG COHEN & HART, P.C.

By: /s/ Barbara Hart

Barbara Hart (BH-3231)  
Thomas Skelton (TS-7908)

White Plains Plaza  
One North Broadway, Suite 509  
White Plains, NY 10601  
Telephone: (914) 997-0500  
Telecopier: (914) 997-0035  
E-mail: bhart@lowey.com

*Counsel for Corsair and  
[Proposed] Lead Counsel for Plaintiff  
Class*